

JAP:MKM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

12 M 541

- - - - -X

UNITED STATES OF AMERICA

- against -

ROBERT MARTINEZ,

Defendant.

PRE-ARRAIGNMENT

C O M P L A I N T

(21 U.S.C. §§ 952(a)
and 960)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

TAMIKA COMRIE, being duly sworn, deposes and says that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about June 5, 2012, within the Eastern District of New York and elsewhere, defendant ROBERT MARTINEZ did knowingly, intentionally and unlawfully import into the United States from a place outside thereof heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. On June 5, 2012, defendant ROBERT MARTINEZ arrived at John F. Kennedy International Airport in Queens, New York, aboard Jet Blue Airlines Flight No. 838 from Santiago, Dominican Republic.

2. The defendant ROBERT MARTINEZ was selected for a Customs and Border Protection ("CBP") examination of his luggage. CBP officers conducted an inspection of the defendant's luggage, as well as a pat-down search, both of which yielded negative results.


3. Upon further questioning, the defendant admitted swallowing approximately 35 pellets, which he believed contained heroine. The defendant was then presented with an x-ray consent form, which he read, appeared to understand and signed. The defendant then complained of an illness and was transported to Jamaica Hospital under CBP custody. CBP officers then contacted agents of the Department of Homeland Security, Homeland Security Investigations ("HSI").

4. While at Jamaica Hospital, an x-ray read positive for foreign bodies in the defendant's intestinal tract. The defendant then passed 13 pellets, the contents of one of which field-tested positive for the presence of heroin. The defendant was placed under arrest.

5. Defendant ROBERT MARTINEZ will be detained at Jamaica Hospital until such time as he has passed all the

pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that defendant ROBERT MARTINEZ be dealt with according to law.



TAMIKA COMRIE
Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Sworn to before me this
5th day of June, 2012

HONORABLE JOAN M. AZRACK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK